

REMARKS

Basis for the amendment to claim 22 may be found in original claim 38. No new issues are raised by this amendment as it was previously examined as claim 38.

The applicant gratefully notes the Allowance of claims 40 and 41. Nevertheless, the applicant respectfully urges that claim 22 and claims dependent thereon are allowable as amended above and that this application is deserving of broader coverage than provided by the claims relating to folded images.

In paragraph one of the Office Action, claims 22-39 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Trautweiler et al. in view of Tingler et al. (014) and Tingler et al. (505) for the reasons given in paragraph three of the first Office Action dated October 26, 2001. The Examiner states that the applicant's argument that there is no disclosure Trautweiler to protect the backing layers is unconvincing as the Tingler et al. patents would motivate one skilled in the art to add antistatic layers and their protective layers to the backs of the transparent polymer sheets in order to provide antistatic protection to the elements of Trautweiler et al.. Examiner states that the additional secondary advantage of fingerprint protection does not make instant claims patentable since combining the references for antistatic protection would still be obvious to one skilled in the art. This rejection is respectfully traversed.

Trautweiler discloses a system for imaging wherein an image is formed on a transparent substrate and then the substrate is adhered to a base with the transparent sheet on the surface through which the silver halide formed image is viewed. There is no disclosure or suggestion in Trautweiler that the upper surface transparent sheet should be provided with a protective layer or shield to protect the surface from scratching, fingerprints or other damage. The two Tingler patents disclose the formation of imaging elements provided with an electrically conducted layer and a protective overcoat layer that overlays the electrically conductive layer. The electrically conducted layer apparently is formed onto the base material and not the surface through which the image is viewed. There is no disclosure suggestion of formation of an image on a

transparent member that is adhered to a base material. Further, there is no disclosure or suggestion that the protective layer of the Tingler et al. patents which is designed to protect the antistatic layer during photographic development would be suitable for protection from fingerprints and scratching. It appears that the protection is from chemicals during development. Therefore, there is no disclosure suggestion that would lead one to a shield layer for Trautweiler. The teaching of the Tingler et al. patents in the use of overcoats for protection from developers would not lead one to the instant invention which is protection of a finished image from environmental hazards.

With respect to the Examiner's argument in the Final Rejection that the combination would be obvious as one would want to place an antistatic layer on Trautweiler, it is respectfully urged that there is no teaching of this combination. Further there is no teaching that even if the combination is made that a fingerprint protection layer will be formed. The instant claim 1 is directed to a developed image where antistatic action is not generally necessary. Tingler (505) is directed to a motion picture film and therefore not a material that has a base that is not transmissive as set forth in the instant claim. Further, each of the Tingler et al. references set forth that the antistatic layer is on the base of the image structure and not over the top of the image as instantly claimed. There is no disclosure or suggestion to place a two layer antistatic layer such as disclosed in Tingler et al. references over the image for fingerprint protection. The Examiner states that would be obvious to provide antistatic protection to the elements of Trautweiler et al. as is done in the Tingler et al. references. However, there is no disclosure suggestion in these references of how to deal with an element that has a transparent base which will later become an the protective layer. There is no disclosure suggestion that the Tingler et al. antistatic layers provide protection from environmental damage to such as fingerprints. The layers of Tingler et al. protect antistatic material from losing its effectiveness but nowhere teach the desirability of scratch resistance and fingerprint resistance. This type of abuse would not generally disrupt antistatic protection but it is necessary to resist scratching and fingerprints for an image to remain in good condition as it is handled. The Examiner has provided no disclosure suggestion that the Tingler et al. materials are suitable for the instant invention if applied as

an overcoat or that they would be used with the claimed type of photographic product.

Therefore, it is respectfully requested that the rejections under 35 U.S.C. § 103 be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page(s) is captioned "Version With Markings To show Changes Made."

Respectfully submitted,



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Version With Markings To show Changes MadeIn the Claims:

Claim 22 has been amended as set forth below:

22. (Once Amended) A photographic element comprising a transparent polymer sheet, at least one layer containing an image formed by development of negative working photosensitive silver halide and at least one upper protective shield to protect the surface of said transparent polymer, and adhesively adhered [thereto] to the lower side of said element a base material wherein said base is substantially opaque and has a transmission of less than 15 percent.

Claim 38 has been cancelled.